



FINAL REPORT OF THE SUB-COMMITTEE ON DÁIL REFORM

Adopted by the sub-Committee

24th May 2016

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CEANN COMHAIRLE'S INTRODUCTION

I am delighted, as chair of the Standing sub-Committee on Dáil Reform, to present this report. On 10th March 2016, the first sitting day of the 32nd Dáil, the House passed an all-party motion to task the sub-Committee with identifying a package of reforms to strengthen parliament for the people, which members on all sides agreed was necessary. Since 23rd March, the sub-Committee has been meeting to consider a number of matters raised in submissions, and now proposes the package of reforms contained in this report.

The main reforms proposed can be summarised thus:

- more power for parliament to plan and make arrangements for its own business, with a new Business Committee comprising of both Government and Opposition TDs, who will together plan the House business on a weekly, sessional and yearly basis;
- better scrutiny of the annual budgetary cycle by a new Budget Oversight Committee, supported in its work by a new Independent Budget Office, which will 'crunch the numbers' for the new Committee;
- an increased role for the Office of the Parliamentary Legal Advisor, to allow that Office assist backbench members in drafting legislation, and give advice on all legislation coming before the House;
- changes to the rules around 'groups', to allow more than one 'technical group' to be formed; this will enable independents and members in small parties to join forces to get a greater share of parliamentary set pieces, for instance, private members' time;
- a rearrangement of the sitting day, so that the House, wherever possible, does not clash with Committee meetings; this will enable members to give more time to both plenary sittings and Committees – members will not have to choose whether to attend one or the other;
- pre-legislative scrutiny will be extended to non-Government Bills (when sufficient resources are in place in the Office of the Parliamentary Legal Advisor), which will increase the possibility of those Bills being enacted;
- a new Irish Language Committee will be established;

CEANN COMHAIRLE'S INTRODUCTION

(continued)

- members will have the facility to formally record their abstention from a vote (not previously available), and to put an explanation for their abstention, or for the way they voted, on the record of the House.

Other changes are proposed too, for instance, to improve both the Parliamentary Questions process and the way in which the Government answers questions on its promised legislation on the Order of Business. To make the sitting hours more family-friendly, it is proposed to hold a great many of the House's votes in a particular time slot on a Thursday afternoon. This also represents a more efficient use of the House's time.

The sub-Committee is committed to addressing a range of other matters which formed part of the submissions received but are not included in the report due to time constraints (see indicative list at Appendix 6).

The prospect of reform has been embraced by all sides of the House. I want to express my gratitude to the members of the sub-Committee for their commitment to the sub-Committee's work and their constructive contributions. The proposed reforms contained in this report are recommended to the House.

Seán Ó Fearghaíl TD
Ceann Comhairle
Chair of sub-Committee on Dáil Reform

KEY DATES AND ACTIONS

1. The Order of the Dáil of 10th March 2016 provided for an expanded membership of, and specific actions by, the Standing sub-Committee on Dáil Reform.
2. On 11th March all members were invited to make written submissions on Dáil reform to the sub-Committee by 3 p.m. on 16th March. Nominations were also sought for membership of the Committee.
3. Fourteen deputies made individual submissions, while eight submissions were received from parties or groups and one submission was received from a private citizen. In total, 23 submissions were received initially.
4. A further five submissions were received in April, of which two were from members of the Houses, two were from private citizens and one from a political party.
5. The sub-Committee had its first and second meetings on 23rd March and 5th April.
6. An interim report outlining the decisions taken at the sub-Committee's first two meetings was laid before the House on 5th April for members' views.
7. The sub-Committee had its third meeting at 11.30 am on 6th April.
8. Statements on Dáil reform took place in the House on the same day. (The House sat at 2.30 pm.) Twenty members contributed to the debate.
9. The sub-Committee's fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh meetings took place respectively on 13th, 20th and 27th April, and 4th, 11th, 17th, 18th and 24th May.
10. At its meeting on 18th May, the sub-Committee agreed a draft final report in relation to the matters it was tasked with on 10th March.
11. On 19th May, members discussed a motion on the Draft Final Report in the Dáil, following which, on 24th May, the sub-Committee adopted this Final Report.

KEY DATES AND ACTIONS (*CONTINUED*)

12. The proposals for Dáil Reform agreed by the Committee are laid out in Appendix 1 to this report. The submissions and papers received by the sub-Committee will be available on www.oireachtas.ie.
13. The detail of the agreed proposals will be included in draft Standing Orders which will be brought before Dáil Éireann for final approval.
14. The Standing Orders concerning the establishment of groups will be prioritised for approval.
15. In relation to the costs and resources of the proposals, the Secretary-General will bring forward a detailed proposal to the Houses of the Oireachtas Commission, in accordance with best practice and corporate governance procedures.
16. The sub-Committee has also agreed to review the operation of the new proposals in 6 and 12 months' time. Other future meetings of the sub-Committee will take place as topics arise for discussion.

Appendix 1: Recommendations

This Appendix contains the recommendations made by the sub-Committee on Dáil Reform, which fall under nine headings, as follows:

- i. the Business Committee
- ii. the Budget Oversight Committee and the Independent Parliamentary Budget Office
- iii. the Office of the Parliamentary Legal Advisor
- iv. Parliamentary groups
- v. The split between plenary and Committee time
- vi. The legislative process
- vii. Committees
- viii. Leaders' Questions, Parliamentary Questions and Topical Issues, and
- ix. Dáil procedure

Appendix 1: Recommendations

Business Committee

The selection of business to be taken in the Dáil on any day (excluding private members' business) and the amount of time allocated to the business has been the preserve of Government. Legislation on the Government legislative programme, in particular, has been promised, but members have had no advance indication as to when they may expect it to come before the House for consideration.

The Business Committee will be a Standing Dáil Committee which will be chaired by the Ceann Comhairle. The Government and the Opposition will bring their respective legislative programmes to the Committee, specifically indicating their priorities for the coming session, and the Committee will plan for the taking of that legislation on a weekly, sessional and annual basis. This creates transparency around the legislative planning process, by bringing it into parliament, and involving all sides of parliament in the process.

BUSINESS COMMITTEE FUNCTIONS

Business Committee to:

- I. agree the sessional and weekly agenda of business for the Dáil;
- II. give all groups represented in parliament some access to, and some control over, business coming before parliament;
- III. bring transparency to process of setting the daily, weekly and sessional agendas for business (re. the items of business and the order and time slots for business items) – decisions to be documented and minutes published;
- IV. operate by consensus insofar as possible.

HOW BUSINESS COMMITTEE WILL OPERATE

- I. Representatives of Government to propose Government business and non-Government business to be initiated by other parties/groups/independents.
- II. Committee to publish a report each Thursday to include: (a) business to be taken the following week, and (b) indicative business for week after that.

Appendix 1: Recommendations

Business Committee *(continued)*

HOW BUSINESS COMMITTEE WILL OPERATE *(CONTINUED)*

- III. Motion (sponsored by a nominated member of the Business Committee) for report taken in House on following Tuesday.

BUSINESS COMMITTEE AND SCHEDULING OF LEGISLATION

- I. Business Committee to focus on management of legislation.
- II. In particular, Business Committee to monitor progress of draft legislation (to ensure it comes before House in accordance with legislative timetables).
- III. Both Government and Opposition to produce list of legislative priorities for autumn, spring and summer sessions.
- IV. "A list" of promised legislation could consist of published Bills which have completed "pre-leg" (see below).
- V. "B list" could consist of unpublished Bills which have undergone pre-leg.
- VI. Prior consent of Business Committee needed where Minister wishes to dispense with pre-leg for non-urgent Bills.
- VII. Minister to make case to Business Committee for "urgent" Bills to proceed, on basis of national interest qualification. (Term "emergency Bill" no longer to be used.)
- VIII. Bills ordered for Committee Stage not to await that stage beyond 10 weeks, unless otherwise agreed by the Business Committee.
- IX. Committee and Report Stages not on same day unless otherwise agreed.
- X. Generally, gap of two weeks required between stages of Bills.

BUSINESS COMMITTEE AND CERTAIN YEARLY LEGISLATION

Business Committee, when agreeing timetables re. certain yearly legislation (e.g., Finance Bill, Social Welfare Bill), to have regard to statutory and other requirements for such legislation.

Appendix 1: Recommendations

Business Committee *(continued)*

SCHEDULING OF BUSINESS – PRIVATE MEMBERS’ BUSINESS

- I. Increased time to be provided for private members’ business.
- II. Percentage of that time to be dedicated to Private Members’ Bills.

COMMITTEE OF SELECTION AND BUSINESS COMMITTEE

- I. Committee of Selection to be established.
- II. Committee to form part of proceedings of Business Committee.

Budget Oversight Committee

The Houses of the Oireachtas have consistently performed poorly in international benchmark studies of budgetary oversight by parliament. The OECD has identified three fundamental problems in the system:

- (a) lack of opportunity for meaningful engagement by parliament;
- (b) lack of information and a resulting inability on the part of parliament to hold government to account; and
- (c) the parliamentary service's lack of capacity to support budgetary scrutiny.

This has resulted in a relatively unstructured and decentralised approach to budgetary scrutiny involving individual sectoral committees focusing largely on Government's priorities, and a failure to view budgetary scrutiny as a distinct function of parliament and resource it accordingly. The proposed solution is to establish a Budget Oversight Committee with the function of developing and supporting the role of the Dáil in the annual budgetary cycle.

INCEPTION OF BUDGET OVERSIGHT COMMITTEE

- I. Budget Oversight Committee to be established.
- II. Preliminary Committee to be established [*Select Committee on Arrangements for Budgetary Scrutiny*, below] to define role and function of Budget Oversight Committee.
- III. Linkages in relation to budgetary oversight need to be clarified between Budget Oversight Committee and sectoral Committees.

SELECT COMMITTEE ON ARRANGEMENTS FOR BUDGETARY SCRUTINY

- I. Committee to define role and function of Budget Oversight Committee towards developing and supporting role of House in annual budgetary cycle.
- II. Committee to consider relationship between a Committee with responsibility for the budget as proposed in OECD report, *Budgetary Oversight by Parliament: Ireland*, and sectoral Committees.

Budget Oversight Committee *(continued)*

SELECT COMMITTEE ON ARRANGEMENTS FOR BUDGETARY SCRUTINY *(CONTINUED)*

- III. The sub-Committee has requested the Committee to bring forward a detailed proposal with a view to ensuring that the Independent Parliamentary Budget Office will be fully operational by Spring 2017.
- IV. Committee also to consider option where Departmental Estimates would be considered by sectoral Committees which would make their views known to Budget Oversight Committee for its consideration of aggregate position.
- V. Role of the Houses in relation to National Economic Dialogue to be addressed.
- VI. Committee also to consider Constitutional position re. financial initiative (for instance, in relation to Article 17.2, and in relation to other Constitutional financial provisions).

Independent Parliamentary Budget Office (IPBO)

A significant number of submissions received by the sub-Committee identified the need to establish an Independent Parliamentary Budget Office (IPBO) to support Members in discharging their financial functions. The establishment of such an office was also a key recommendation of the OECD in its *Review of Budget Oversight by Parliament: Ireland*. In its examination of the necessary institutional arrangement for more effective budgetary oversight the OECD recommended “the introduction of the Office to equip parliamentarians with the skills and capacities to understand how the budget process works, including the budgetary timetable, the role and responsibilities of the Houses of the Oireachtas at the various stages, and the rules and procedures governing amendments during the budget process”. The sub-Committee believes that the establishment of an IPBO is essential if the Dáil and Parliamentary Committees are to perform effectively their constitutional functions in fiscal matters, particularly in relation to Estimates of Expenditure and budgetary proposals.

RECOMMENDATIONS RE. IPBO

Based on international models and recommendations contained in the OECD review, IPBO should perform the following functions:

- I. training and development of members and staff to strengthen their capacity in financial analysis and scrutiny;
- II. technical and independent analysis and briefing to Committees in scrutinising budget process;
- III. costing of budgetary and legislative proposals to support work of individual parliamentarians;
- IV. independent research commissioned by Oireachtas Committees or members in relation to fiscal matters;

Independent Parliamentary Budget Office (IPBO) *(continued)*

RECOMMENDATIONS RE. IPBO *(CONTINUED)*

- V. costing of proposals by members of the Dáil and Seanad, groups or registered political parties, within a practicable timescale.

The sub-Committee recognises that it will be necessary for the IPBO to perform some of the above functions on a confidential basis.

IPBO HEADED BY SENIOR OFFICIAL

The IPBO should be headed by a senior official recruited by way of open competition with appropriate experience in public financial analysis and staffed by a team of experts.

DETAILED PROPOSAL

The sub-Committee has requested the Select Committee on Arrangements for Budget Scrutiny to bring forward a detailed proposal with a view to ensuring that the IPBO will be fully operational by Spring 2017.

STATUTORY BASIS

The IPBO should be established on a statutory basis in order to underpin its independence and the Houses of the Oireachtas Acts should be amended accordingly. It would be appropriate for the Houses of the Oireachtas Commission to play a lead role in the development and initiation of this legislation with a view to early enactment.

Office of the Parliamentary Legal Advisor

The need to receive legal advice on issues arising in the chamber, was raised by a range of members, in particular where the Government has legal advice (e.g. the Constitutionality of a proposed Bill), and where Private Members' Bills (PMBs) are being drafted. Currently, legal advice for members is provided by the Commission through the independent Office of the Parliamentary Legal Adviser (OPLA). Assistance for members in drafting PMBs is provided through a project run through the Bills Office. A framework agreement is in place for the provision of legislative drafting services for drafting PMBs, whereby two barristers are engaged to assist members in drafting their Bills, once the member has conducted his/her own research, policy analysis and provided draft text. To date, this framework agreement has been under-utilised.

OFFICE OF THE PARLIAMENTARY LEGAL ADVISER (EXISTING FUNCTIONS)

The current responsibilities of OPLA are to provide legal advice/legal services to:

- the Chairs of either House re the operation of the House;
- the Clerks of both Houses re their statutory duties;
- the Committees of either/both Houses re legal procedure;
- the Houses Commission in support of its functions;
- the Service and/or Commission re administrative matters.

The OPLA also manages the conduct of all litigation including the Houses and/or members.

NEW INITIATIVE

- I. Drafting service to be amalgamated with existing work of OPLA;

Office of the Parliamentary Legal Advisor *(continued)*

NEW INITIATIVE *(CONTINUED)*

- II. A team of suitably qualified lawyers, together with support staff, could assist members with their draft Bills, with production of an Explanatory Memorandum and, possibly, with amendments to those Bills;
- III. This project could involve a short, cross-Departmental scoping exercise with Office of Parliamentary Counsel, in order to ensure same approach and standard as Bills produced by Government;
- IV. Legal advice to members in respect of proposed legislation should also be provided by OPLA.

In order to advance this initiative, the sub-Committee recommends that a capacity review of the OPLA should be carried out as soon as possible to determine appropriate structure in terms of staffing and resources to address all existing tasks and new initiatives envisaged by sub-Committee.

The sub-Committee also recommends the OPLA should be established on a statutory basis to underpin its independence. It would be appropriate for the Houses of the Oireachtas Commission to play a lead role in the development and initiation of this legislation with a view to early enactment.

Appendix 1: Recommendations

Groups

The concept of ‘groups’ is very important in parliament, because only groups have rights to Leaders’ Questions, priority Questions and the private members’ time rota. A party of seven or more is automatically a group. Previously, smaller parties or independent members could combine to form a ‘technical group’, to avail of the above-mentioned rights. However, there could be only one such group in a Dáil, and it had to form the majority of independents or members in smaller parties. Given that there are now much larger numbers of such members than before, it is no longer tenable to have just one technical group. The proposed change will mean the Dáil may have multiple technical groups, namely, party-based, independent-based or mixed. It is also recommended that technical groups be allowed to avail of administrative support, similar to that available to parties.

DEFINITION OF ‘GROUPS’

- I. Reduce the minimum size of a group from 7 members to 5.
- II. Permit more than one technical group to be formed.
- III. Permit non-Government groups to join with other groups and/or other members to form technical group. (Currently, a group of seven cannot be in a technical group.)

Rotas, speaking rights, etc., will continue to be determined on a proportional basis, as follows:

- I. second and following rounds of speaking slots on second stages of Bills, Government motions and statements allocated on pro-rata basis across all members;
- II. private members’ time rota and priority questions will continue to be allocated on pro-rata basis to groups.

RESOURCES FOR MEMBERS

Recommendation made to Houses of the Oireachtas Commission as follows:

Appendix 1: Recommendations

Groups *(continued)*

RESOURCES FOR MEMBERS *(CONTINUED)*

- I. Commission to address legislative change re. administrative support for technical groups, on principle of equality of resourcing for all members.
- II. While doing this, Commission should still recognise traditional role of political parties.

RULES RE. FORMATION OF GROUPS

- I. More than one – i.e. possibly several – technical groups may be formed (with a minimum of five members).
- II. A technical group will (as was the case previously) become official by writing to the Ceann Comhairle and requesting recognition as a technical group.
- III. A technical group may consist of one or more Opposition parties and/or other members of the Opposition, provided the only rights that may be availed of are those of the technical group so formed, i.e. it is not possible to benefit on the double in this regard.
- IV. A party which is a group has precedence over a technical group.
- V. Independent members who are Ministers or Ministers of State may not join a technical group.
- VI. Members of a Government party may not join a technical group.
- VII. Members may move between groups or technical groups where it is clear that they have severed all links with their previous groups.
- VIII. The Business Committee shall be responsible for facilitating participation by all members of the House in proceedings, whether members of a group or not.

ORDER OF BUSINESS

Currently under Standing Order 28, where a proposal on the Order of Business is opposed, only a party in Opposition can make a brief statement. It is proposed to change this rule so that any group or party in Opposition can make that brief statement.

Appendix 1: Recommendations

Plenary and Committee time

Previously, the plenary sittings of both Houses and the select or joint Committee meetings ran concurrently. As a result, members were left with the difficult choice of which to attend. In addition, Committee meetings sometimes took place at the same time as PQs for the same Department or during Leaders' Questions or the Order of Business. The sub-Committee recommends that Dáil sittings and Committee meetings should not take place at the same time. Accordingly, for the most part, members will not have to choose between attending the Dáil and attending Committees. This will also enhance the profile of Committee work, which is an increasingly important part of parliamentary activity.

SPLIT BETWEEN PLENARY AND COMMITTEE TIME

Business on sitting days to be split between Committee work and plenary work as follows:

- I. Committees meet from 5–8pm on Tuesdays and from 9am–12pm on Wednesdays and Thursdays;
- II. Plenary sessions of Dáil from 2–10pm on Tuesdays, from 12–10pm on Wednesdays and from 12–6pm on Thursdays. [See **Appendix 2** for proposed layout of Dáil sitting week.]

Proposal provides for 24 hours for plenary business exclusively and up to 30 hours of exclusive Committee meeting time.

Any Committee may apply to the Business Committee to meet outside dedicated Committee time where there is a genuine need.

Legislative process

The scheduling of legislation is dealt with elsewhere in this report (see Business Committee) but the other concerns to be addressed were the standard of legislative drafting (in particular for Private Members' Bills) and the effectiveness of legislation once enacted.

Because of the composition of the 32nd Dáil it is likely that more Private Members' Bills will progress beyond second stage. As a result, there is a need to increase the supports to members for drafting their Bills to the same standard as Government Bills. It was evident from a number of submissions received that members were not all aware of the drafting service for Private Members' Bills, so it will be publicised more widely. In addition, the sub-Committee are of the view that the extension of pre-legislative scrutiny ("pre-leg") to all Bills would assist in improving the standard of the final text. However, the sub-Committee recognises that it will only be possible when the OPLA has sufficient resources. In the last Dáil the concept of post-enactment review of legislation was introduced but not progressed. It is recommended that this should commence with reviews taking place, in general, after one year.

LEGISLATIVE DRAFTING SERVICE FOR PRIVATE MEMBERS' BILLS

- I. Continue legislative drafting service for Private Members' Bills (see note on page 14 re. OPLA).
- II. Publicise service more widely.
- III. If demand is sufficient, monetary allocation to service will increase.

Private members, parties or groups need to be clear about intention of draft legislation before approaching drafters (drafters have no role in development of policy).

Appendix 1: Recommendations

Legislative process *(continued)*

PRE-LEGISLATIVE SCRUTINY AND REGULATORY IMPACT ANALYSIS

- I. Relevant sectoral Committee may decide pre-leg not necessary for particular Bill.
- II. Pre-leg not required where Bill is designated “urgent”. [*See Business Committee recommendations on pages 6 and 7.*]
- III. Equality proofing a requirement of the scrutiny process.
- IV. During pre-leg, Committees may decide if Regulatory Impact Analysis required.
- V. After Committee completes pre-leg and makes recommendations thereon, Government obliged to publish response and engage in debate with Committee.
- VI. Committee which feels legislation is necessary can appoint one of its members to draft and sponsor the legislation.

POST-ENACTMENT SCRUTINY

- I. Commence post-enactment scrutiny.
- II. As a general rule, carry this out within a year of enactment.
- III. Alternatively, carry it out at such time as agreed by Committee which completed pre-leg.

BILINGUAL EXPLANATORY MEMORANDA

Explanatory memoranda to be produced bilingually when Bill is published as a first step towards all legislation being published simultaneously in Irish and English.

ANY MEMBER MAY TABLE AMENDMENT TO BILL IN SELECT COMMITTEE

- I. Any member may table amendments to Bills in Select Committee, even if not a member of the Committee. However, he/she will not be entitled to vote.
- II. Such member must attend meeting to move his/her amendments.

Committees

The sub-Committee acknowledges the growing role of the Committee system in parliament. The split between plenary and Committee time is covered elsewhere in this document, but there are other initiatives that will support the work of Committees. Capacity will be provided within the Houses of the Oireachtas Service to carry out a focused and detailed preliminary evaluation of certain issues coming before Committees. The new Budget Oversight Committee will work with sectoral Committees in relation to budgetary scrutiny. The role of the Working Group of Committee Chairs will be reviewed and enhanced.

COMMITTEES GENERALLY

- I. Structure of thematic and sectoral Committees to continue.
- II. Committees should be smaller.
- III. Where possible, membership of multiple Committees to be avoided.
- IV. Consideration to be given to allocation of staffing resource for Chairs on plenary sitting days under scheme for secretarial assistance

WORKING GROUP OF COMMITTEE CHAIRS

Working Group of Committee Chairs should become Committee with both consultative and policy roles. The Working Group of Committee Chairs should consider a range of operational matters for Committees identified by members of the sub-Committee.

PRELIMINARY ASSESSMENT OF ISSUES FOR COMMITTEES

- I. Capacity provided within Houses of the Oireachtas Service to do preliminary assessment (to support Committees in decisions).
- II. Capacity scaled-up or down, as appropriate.
- III. Proposals to be brought before Working Group of Committee Chairs.

COMMITTEE ON THE IRISH LANGUAGE

Irish Language Committee to be established.

Appendix 1: Recommendations

Committees *(continued)*

PETITIONS COMMITTEE

- I. Should be re-established; however, public service oversight role should rest with the Committee tracking Finance and Public Expenditure and Reform (PER).
- II. Office of the Public Service Ombudsman to report to Finance and PER Committee.
- III. All other ombudsman offices to report to relevant sectoral Committee.
- IV. Structure of Petitions Committee to be considered further during establishment of Committees.

CHAIRS MAY BE CHAIR OF MORE THAN ONE COMMITTEE

Committee Chair may be appointed Chair of more than one Committee, in particular where a Committee is anticipated to have a less onerous work programme.

SUB-COMMITTEE ON ADMINISTRATION – TO BE SUB-COMMITTEE OF COMMISSION

Sub-Committee on Administration to be sub-Committee of Houses of the Oireachtas Commission (may require amending legislation).

LIST OF COMMITTEES

- I. Housekeeping Committees
 - a. Business Committee (including Committee of Selection)
 - b. Committee on Procedure and Privileges
 - c. Working Group of Committee Chairs to become a Committee
- II. Thematic
 - a. Budget Oversight Committee
 - b. Committee on the Irish Language
 - c. Petitions Committee
 - d. Public Accounts Committee
 - e. EU Affairs Committee
 - f. Committee on Implementation of the Good Friday Agreement
 - g. Committee on Members' Interests

Appendix 1: Recommendations

Committees *(continued)*

LIST OF COMMITTEES (*CONTINUED*)

- III. Sectoral Committees shadowing Departments, as follows:
 - a. Justice and Equality
 - b. Finance, PER and Taoiseach
 - c. Education and Skills
 - d. Housing, Planning and Local Government
 - e. Social Protection
 - f. Foreign Affairs, Trade and Defence
 - g. Regional Development, Rural Affairs, Arts and the Gaeltacht
 - h. Health
 - i. Agriculture, Food and the Marine
 - j. Communications, Climate Change and Natural Resources
 - k. Transport, Tourism and Sport
 - l. Jobs, Enterprise and Innovation
 - m. Children and Youth Affairs

PQs and Leaders' Questions

A number of issues were raised in the submissions received regarding Parliamentary Questions (PQs). Members were dissatisfied in particular with the procedure around oral Questions to the Taoiseach which are seen to be frequently irrelevant by the time they are answered because of the system of rolling over unanswered Questions. The fact that there are no individual time limits for Taoiseach's Questions means that frequently only one group of questions is answered on any day. Setting a limit on the rollover period and individual time limits on groups of Questions would mean Taoiseach's Questions are answered in a more timely fashion.

With regard to ordinary oral Questions, the specific start and end times in Standing Orders has led to a reduction in the time allowed for Questions when Question Time started late. Setting a specific length of time for Questions instead would prevent that.

Other changes are recommended to enhance the rights of members to table Questions by reducing the period for repeat Questions and abolishing the rule regarding anticipation of debate.

One other major concern was the inconsistency in the treatment of PQs with regard to operational matters in State bodies. In some cases the Minister, while confirming that he or she has no responsibility for the matter, has referred the matter to the body in question for a direct reply. However, the answer to the Question does not then appear in the official record. A similar situation arises when the answer cannot be prepared in time and the Minister undertakes to reply to the Deputy at a later date. The Committee are of the view that some method of associating these replies with the Questions and reporting them in the official record should be examined.

DEADLINES FOR SUBMITTING PQS

Current Standing Orders deadlines for PQs (i.e., oral, priority and written Questions submitted to the Questions Office for the Question Paper) retained.

Appendix 1: Recommendations

PQs and Leaders' Questions *(continued)*

TAOISEACH ORAL PQS

- I. Two sessions per week, on Tuesdays and Wednesdays, for 45 minutes each day.
- II. Limit of 3 oral Questions per member per session.
- III. Max. of 15 minutes allowed per Question or group of Questions.
- IV. Questions not reached rolled over to next session, but rollover period limited to 2 weeks.
- V. Questions not reached within 2 weeks of appearing on Order Paper may receive a written answer or may be resubmitted.
- VI. Clock to be used for Question or group of Questions.

MINISTERIAL PQS (PRIORITY AND ORAL)

- I. Taken Tuesdays, Wednesdays and Thursdays.
- II. Time extended to 90 minutes, 30 minutes for priority Questions, 60 minutes for ordinary oral Questions.
- III. 90 minutes to run from time first priority put.
- IV. Member must be in chamber to put oral Question in his/her name.
- V. Member may nominate substitute questioner by giving 24 hours' notice in writing to Ceann Comhairle's office.
- VI. Questioner may give introduction to Question for 30 seconds.
- VII. Single representative of group may put down max. of 5 oral Questions.

Appendix 1: Recommendations

PQs and Leaders' Questions *(continued)*

NOTICE OF MINISTERIAL ORAL PQ LOTTERY RESULTS

Instigate administrative arrangements to notify members of their provisional lottery number(s) on day lottery is held.

REPEAT RULE FOR ORAL PQS

Repeat rule for oral Questions reduced to two months (from the current four).

PQS AND ANTICIPATION OF DEBATE

Abolish rule that PQs should not anticipate discussion of matter which is scheduled in Dáil in same week.

RULINGS BY CEANN COMHAIRLE ON DISALLOWANCE OF PQS

- I. Adopt Standing Order whereby member may request further information from Ceann Comhairle on disallowance ruling.
- II. Not an appeal mechanism against Ceann Comhairle's ruling.
- III. Rather an acknowledgement that Ceann Comhairle always happy to provide additional information to members on rulings.

ADEQUACY OF REPLIES TO PQS AND TOPICAL ISSUES: POWERS OF CEANN COMHAIRLE

- I. As a general principle, PQs should be answered fully and address all matters raised in the original Question. In addition, Departments should ensure easy accessibility of information sought regularly. In relation to oral Questions, the sub-Committee is of the view the reply should address the points raised at the beginning of the reply and contextual information, where appropriate, should be provided after this.
- II. Members should use the facility to put down Parliamentary Questions prudently.
- III. Sessional Standing Order 40A to be reinstated, as follows:
 - a. Any member may make appeal in writing to Ceann Comhairle re. adequacy of Ministerial reply to oral Questions, Topical Issues and written Questions;

Appendix 1: Recommendations

PQs and Leaders' Questions *(continued)*

ADEQUACY OF REPLIES TO PQS AND TOPICAL ISSUES: POWERS OF CEANN COMHAIRLE *(CONTINUED)*

- b. Where member's complaint upheld, Ceann Comhairle's decision laid before Dáil;
- c. Two day notice requirement extended to four working days;
- d. At his discretion, the Ceann Comhairle will publish on a quarterly basis a list of Ministers who, in his opinion, have repeatedly not answered Questions fully.

Ceann Comhairle also empowered to rule on relevance of oral reply on the spot (where he feels there is clear failure to impart information sought).

PUBLICATION IN THE DÁIL RECORD OF REFERRED OR DEFERRED REPLIES

- I. Where Minister—
 - a. refers parliamentary question to State body for direct response to Deputy, or
 - b. responds that information sought cannot be provided in time available and undertakes to send it to Deputy separately,subsequent reply to Deputy should also be sent to Questions Office in PQ reply format under original PQ reference number.
- II. Feasibility of publishing these replies in Official Report of Debates on periodic basis (i.e. at end of each session) will be examined.

WRITTEN PQS DURING SUMMER RECESS

Members to have opportunity to submit written PQs for answer twice during summer recess, to be submitted:

- I. one week following adjournment for recess; and
- II. two weeks prior to resumption of sitting.

Accordingly—

- I. 2 question papers will appear during summer recess.
- II. Replies will appear in official record.

Appendix 1: Recommendations

PQs and Leaders' Questions *(continued)*

LEADERS' QUESTIONS

- I. Taken at commencement of each sitting for 32 minutes.
- II. Time limit increased to 8 minutes overall per Question (with the initial question getting 3 minutes instead of 2 minutes).
- III. Increased to 4 questions per day.
- IV. Clock to be used to aid enforcement of time limits.

Appendix 1: Recommendations

Topical Issues

The Committee are of the view that Topical Issues (TIs) should be re-introduced on a permanent basis with some minor changes to address the issues of: (i) transparency in the selection process; (ii) a more formal process for substitution of the relevant Minister, to be managed by the office of the Ceann Comhairle; and (iii) the selection of “back-up” topics to ensure that the maximum number of topics are considered each day.

RULES FOR TIs

- I. Instigate guiding principles for selection of TIs (while Ceann Comhairle retains discretion in selecting TIs).
- II. Formalise requests from Departments re. substitution of relevant Minister.
- III. Requests for substitution to be made in writing to Ceann Comhairle’s office by midday (Ceann Comhairle's office to engage with member directly).
- IV. Substitute TI to be picked each day to cover possible deferral (to maximise the number of TIs taken each day).
- V. If not selected, substitute TI taken on next sitting day, along with any deferred TI.

Accountability of State bodies

State bodies and local authorities should be required to comply with certain standards in dealing with queries from members.

STATE BODIES AND LOCAL AUTHORITIES' ACCOUNTABILITY TO MEMBERS

- I. There should be dedicated channels of communication and target response times, to be set out in Governance Codes or Ministerial Regulations.
- II. Where standards not being met, member may raise issue with the Ceann Comhairle, who may at his discretion allow parliamentary question or Topical Issue to Minister.

ADVICE BY DATA PROTECTION COMMISSIONER

- I. Sub-Committee noted advice received from Data Protection Commissioner (DPC).
- II. Advice as follows: where public representatives make written representations on behalf of constituents, relevant organisation can generally assume that constituent has given consent.
- III. Secretary to Government to be asked to communicate DPC's advice to Government Departments and bodies under their aegis.

Appendix 1: Recommendations

Dáil procedure

A number of changes are proposed to Dáil procedure which, among other things, will enhance the public's understanding of what goes on in parliament. For instance, members will be able to place an explanation on the Dáil record as to why they voted a particular way. Also, for the first time, members can be recorded as definitely abstaining from any particular vote. Votes will be taken a particular time every week, and when a member asks about promised legislation on the Order of Business, the relevant Minister may reply, when requested by the Taoiseach.

QUESTIONS ON PROMISED LEGISLATION

Relevant Minister may reply, where requested by the Taoiseach. Time limits of 2 minutes for Party and Group Leaders and 1 minute for all other members shall apply.

DIVISIONS – RECORDING ABSTENTIONS

Members allowed to formally register their abstention in a division (often referred to as a 'vote').

FIXED TIME EACH WEEK FOR TAKING OF DIVISIONS

Have a set time in the week when all divisions will be taken, excluding those demanded on:

- I. the Order of Business,
- II. the suspension of a member for disorderly conduct, and
- III. Committee and Report stages of Bills.

Postponed divisions to take place on Thursday afternoons at approx. 12.45 pm, to encourage a family-friendly policy.

DIVISIONS – MEMBER MAY EXPLAIN HIS/HER VOTE

Member may put explanation as to why he/she voted in particular manner on record of House by making a written submission to the Editor of Debates.

Appendix 1: Recommendations

Dáil procedure (*continued*)

QUORUM

Size and use of Quorum in Dáil should not change.

USE OF THE CLOCK

The clock shall be used for all business.

PROTOCOL ADVICE FOR MEMBERS

Advisory note may be circulated for members on protocol while in Chamber.

ACCESSIBILITY

The Houses of the Oireachtas Service shall continue to pursue accessibility in respect of all services it provides. This includes enabling greater physical access to the Oireachtas as well as progressive measures in relation to electronic access of its documents on its website, www.oireachtas.ie (such as text-to-speech facility and compliance with Open Standards) and with the Oireachtas App and Oireachtas TV.

The Dáil will proactively engage with civil society organisations and with any citizen or constitutional conventions that may be established.

Appendix 2: Proposed layout of Dáil sitting week

Day	Tues	Weds	Thurs	
9.00		Committees – 3 hrs exclusive time	Committees – 3 hrs exclusive time	
9.15				
9.30				
9.45				
10.00				
10.15				
10.30				
10.45				
11.00				
11.15				
11.30				
11.45				
12.00		Leaders' Questions (4 x 8 = 32 mins to 12.32)	Leaders' Questions (4 x 8 = 32 mins to 12.32)	
12.15				
12.30		Questions on promised legislation (15 minutes to 12.47)	Questions on promised legislation (15 minutes to 12.47)	
12.45		Taoiseach's Questions (45 minutes to 13.32)	Plenary Business - GOVT (from 12.47 to 13.30 = 43 minutes –the voting time**	
13.00				
13.15				
13.30		PQs (1 hour and 30 minutes to 15.02)	PQs (1 hour and 30 minutes to 15.00)	
13.45				
14.00	Leaders' Questions (4 x 8 = 32 mins to 14.32)			
14.15				
14.30	Order of Business (30 minutes to 15.02)			
14.45				
15.00	Taoiseach's Questions (45 minutes to 15.47)	Topical Issues (4 x 12 = 48 mins to 15.50)	Topical Issues (4 x 12 = 48 mins from 15.00 to 15.48)	
15.15				
15.30				
15.45	PQs (1 hour and 30 minutes to 17.17)	SOS 40 minutes to 16.30	2 hours of time every week	
16.00			from 15.48 to 17.48 on Thursdays	
16.15			alternating on a weekly basis	
16.30			Plenary Business - Private Members (from 16.30 to 18.30 = 2 hours)	between plenary debating
16.45				of a PM's Bill (or motion)
17.00				or of a committee report
17.15		Topical Issues (4 x 12 = 48 mins to 18.05)		instead of the
17.30		Fortnightly Friday sittings		
17.45				
18.00	Plenary Business - GOVT (from 18.05 to 20.00 = 1 hour and 55 mins)	* Plenary Business – GOVT (from 18.30 to 22.00 = 3 hrs and 30 minutes)		
18.15				
18.30				
18.45				
19.00				
19.15				
19.30				
19.45				
20.00	Plenary Business - Private Members (from 20.00 to 22.00 = 2 hrs)			
20.15				
20.30				
20.45				
21.00				
21.15				
21.30				
21.45				

* The Business Committee may, where Committee or Report Stage of a Bill is to be taken, decide that the Government Business will be taken at 16.30 on a Wednesday, in order to avoid having votes at the end of the day, to support family friendly hours.

**All votes for the week, excluding those on the OB, Committee or Report stages of Bills, or on suspension of a member.

Membership of sub-Committee

1. The following members were nominated to the sub-Committee:

Fine Gael – Regina Doherty, Eoghan Murphy and David Stanton.

Fianna Fáil – Thomas Byrne, Darragh O'Brien and Éamon Ó Cuív

Sinn Féin – Louise O'Reilly and Aengus Ó Snodaigh,

Labour Party – Brendan Howlin.

AAA-PBP – Paul Murphy.

Social Democrats – Catherine Murphy.

Green Party – Eamon Ryan.

Independent Alliance – Shane Ross.

Independents – Thomas Pringle.

2. The following Members were nominated as substitutes: Richard Boyd Barrett, AAA-PBP; Marcella Corcoran-Kennedy, Fine Gael; John Halligan, Independent Alliance; and Brendan Ryan, Labour Party.

Appendix 4

Motion re. sub-Committee's Terms of Reference

The following Order was passed by Dáil Éireann on 10th March 2016:

“That, notwithstanding anything in Standing Orders–

- (a) the sub-Committee on Dáil Reform shall be chaired by the Ceann Comhairle and include not more than 14 other members of the House, of which three members would be appointed by Fine Gael, three members by Fianna Fáil, two members by Sinn Féin, one member by the Labour Party and five members representing the independent deputies and members from other political parties, and that provision be made for the substitution of members as allowed for under Standing Order 107(3)(b);
- (b) the Ceann Comhairle shall announce the names of the members appointed under paragraph (a) for the information of the Dáil on the first sitting day following their appointment;
- (c) Standing Order 93(2) shall not apply to the sub-Committee (in relation to using the d'Hondt system for the allocation of Chairman posts);
- (d) any member or political party may make a submission on Dáil reform to the sub-Committee which shall review these submissions and report back to the Dáil within four weeks with a series of recommendations for the approval of the House; and
- (e) the sub-Committee shall present an interim report on their working arrangements at a full sitting of the Dáil on 6th April, 2016 and that it will include initial consideration on appropriate rules regarding the establishment of technical groupings in the Dáil and arrangements for the management of Parliamentary Questions and the ordering of Dáil business in the interim period while the sub-Committee is sitting.”.

Minutes of the sub-Committee's meetings from 23 March – 11 May 2016

DÁIL ÉIREANN

An Coiste um Nós Imeachta agus Pribhléidí *Committee on Procedure and Privileges*

Proceedings of the Committee
Wednesday, 23rd March, 2016

STANDING SUB-COMMITTEE ON DÁIL REFORM

1. The first meeting of the sub-Committee took place at 11.00 am in Room 2, Leinster House.
2. The following Members were present:-

Deputies Seán Ó Feargháil, *Ceann Comhairle*, Thomas Byrne, Regina Doherty, Brendan Howlin (*Minister of Public Expenditure and Reform*), Catherine Murphy, Eoghan Murphy, Paul Murphy, Darragh O'Brien, Eamon Ó Cuív, Louise O'Reilly, Aengus Ó Snodaigh, Thomas Pringle, Shane Ross, Eamon Ryan and David Stanton.

3. INTRODUCTORY REMARKS BY THE CEANN COMHAIRLE

The Ceann Comhairle welcomed members and noted the vitally important work of the sub-Committee which could lead to a new departure for the Dáil and how it operates. It was noted there was a strong degree of commonality across the 23 submissions received and while there is urgency to the work of the sub-Committee, there is a need to be careful to ensure decisions taken were sustainable and practical. However, any proposal implemented may be revisited if not working as intended.

It was agreed to schedule four meetings during the month of April based around the broad themes of the submissions. It was agreed that an interim report would be brought before the Dáil on 6th April and it is intended to have a final report agreed by the end of April.

4. REVIEW OF DÁIL REFORM PROPOSALS

The Committee had before it proposals on the following matters:

(a) Technical Groups

The proposal was to increase the number of technical groups and that the threshold for group status would be reduced to 5 members. A discussion on the proposal took place during which the following points were raised:

- The possible number of such groups and if a limit should apply
- Freedom of movement of members between groups
- Position of non-aligned members
- Allocation of Leaders' Questions, Priority Questions and PMB, perhaps on pro-rata basis
- Resources for technical groups

Appendix 5: Minutes

- Political based groups versus technical groups
- Role of a Selection Committee and the impact on Committee membership
- Sequence of groups versus parties in speaking slots
- Groups responsible for managing own speaking slots
- Distinction between pre- and post-election groups

It was agreed that a paper would be supplied explaining the differences between parties and groups and another proposal would be drafted for the sub-Committee focussing on the size of groups and the practical implications of the size of groups on a rota for Leaders' Questions, Priority Questions and motions; the freedom of movement between groups and the position of non-aligned members.

(b) Business Committee

The proposal was to establish a Business Committee which would meet to agree sessional and weekly Dáil agendas. The Committee would be representative of all groups and seek to work by consensus.

A discussion ensued during which the following points were made:

- the division of time between government and non-government business
- the need for the Government to have certain business passed at specific times during year
- the need for a cultural change in terms of scheduling realistic timelines for legislation
- the need to adhere to business scheduled by the Business Committee
- the need for Business Committee meetings and decisions to be documented
- it is open to the Dáil to vote on report of the Business Committee
- the mechanism for an agreed person to liaise with Government Departments to facilitate and ensure scheduling of business is delivered on by Departments
- the report of Business Committee should not be delivered to the House by the Taoiseach
- if the Committee's membership should be weighted
- agree to operate by consensus, and any disagreements are left to the vote in the House, however, business would still be organised

While there was general agreement on the establishment of a Business Committee, the proposal will be redrafted around the distribution of time between Government and non-Government business.

(c) Voting to include abstentions

It was agreed to facilitate members who wished to abstain from a vote to register their abstention.

(d) Committee Week or Splitting Plenary and Committee Time

There were two proposals for the sub-Committee to consider. The first was to designate every fourth sitting week as a Committee week during which only Leaders' and Priority Questions and Topical Issues would be taken in the House.

The second proposal was to schedule Committee meetings outside plenaries hours. Committee meetings would take place on Tuesday, Wednesday and Thursday mornings from 9.30 am to 12.30 pm and Plenary hours would be from 12.30 – 9 pm on Tuesdays and Wednesdays and from 12.30 – 5.30 pm on Thursdays. Committees could also meet in the two Chambers which would allow for 18 Committee meetings of up to 3 hours each per sitting week.

Following discussion, it was agreed that the second option was preferable but should be redrafted to avoid Committees meeting on Tuesday mornings to facilitate rural based TDs having to travel on Monday evenings and that the option of maintaining the status quo should also be presented. Members also discussed the issue of membership and attendance at Committee meetings, Friday sittings and the possibility of maintain the status quo.

Appendix 5: Minutes

- (e) Ceann Comhairle to ensure all PQs are answered fully where requests for information in PQs are not addressed

This proposal suggested the reinstatement of Sessional Order no. 40a from the 31st Dáil which addressed the issue of Ministers not providing sufficiently detailed answers to all aspects of PQs asked of them. Discussion focussed on the need for an order to apply to Oral PQs also, the possible extension of the timeframe during which members could register a complaint, the need for sanction where there had been repeated instances of a Minister not answering PQs adequately and that FOI requests should not elicit more detailed or timely information than a PQ asked on the same matter. It was noted that a mechanism already exists for the Chair to intervene when a Minister is not addressing the matter asked.

It was agreed that where the Ceann Comhairle has upheld a complaint from a member, the decision of the Ceann Comhairle should be published by being laid in the Library which could help bring about a culture change in this area. It was agreed that this proposal would be a permanent Standing Order and not sessional. It was also agreed that the answers supplied by a Minister following a complaint should also be put on the record of the House. It was noted that the re-instatement of this Sessional Order would also require the reinstatement of the Sessional Order on Topical Issues.

- (f) Fixed time for votes to be taken each sitting day

The proposal was to agree a set time each sitting day for the taking of votes, with the exception of votes on the Order of Business and for the naming of a member. Following discussion, the suggestion was welcomed in principle however further information was sought on how it would operate during Committee and Report Stages of Bills in the House. It was suggested that a list of votes and their subject matter could be supplied to members before voting begins to inform them of what each vote relates to, as is the case in the European Parliament. The introduction of a voting card which could be used at other locations (e.g. Committee rooms) and the possibility of more efficient sequential votes were also discussed.

It was agreed that the sub-Committee would meet on 5th April to finalise the revised proposals. A report would be adopted then for presentation to the house on 6th April.

It was further agreed that:

- (i) the original text of proposals discussed at the meeting would be circulated to members for their information;
- (ii) the Review of Budget Oversight by Parliament by the OECD would be also circulated to members for their information;
- (iii) issues suggested for the Office of the Parliamentary Legal Advisor would be included in Work Programme and that the topics for meetings 2 and 3 would be reversed; and
- (iv) further issues suggested outside of those of the initial block of four meetings would be considered after the initial set of meetings has concluded.

The meeting concluded at 1.48 pm.

DÁIL ÉIREANN

An Coiste um Nós Imeachta agus Pribhléidí *Committee on Procedure and Privileges*

Proceedings of the Committee
Tuesday, 5th April, 2016

STANDING SUB-COMMITTEE ON DÁIL REFORM

1. The second meeting of the sub-Committee took place at 2.30 pm in Room 2, Leinster House.
2. The following Members were present:-

Deputies Seán Ó Feargháil, *Ceann Comhairle*, Thomas Byrne, Regina Doherty, Brendan Howlin (*Minister of Public Expenditure and Reform*), Catherine Murphy, Marcella Corcoran Kennedy (*in substitution for Eoghan Murphy*), Paul Murphy, Darragh O'Brien, Eamon Ó Cuiv, Louise O'Reilly, Aengus Ó Snodaigh, Thomas Pringle, Shane Ross, Eamon Ryan and David Stanton.

3. **MINUTES OF THE MEETING OF 23RD MARCH**

The minutes of the last meeting on 23rd March 2016 were agreed.

4. **REVIEW OF DÁIL REFORM PROPOSALS**

The sub-Committee had before it proposals on the following matters:

(a) Voting to include abstentions

It was agreed to facilitate members who wished to abstain from a vote to register their abstention.

(b) Business Committee

Following discussion, it was agreed a Business Committee would be established to agree the sessional and weekly agenda of business for the Dáil. In relation to the Business Committee, the following points were agreed:

- the Committee will be chaired by the Ceann Comhairle, as a non-voting member, and will include a representative from each parliamentary group and also the Chair of the Working Group of Committee Chairmen;
- the Committee shall publish a report each Thursday of the business to be taken for the following week - this motion will be taken in the House on the following Tuesday;
- the Committee will appoint a rapporteur who will present the report of the Committee to the House (the role of rapporteur could rotate among the membership of the Committee);
- the minutes of the meetings of the Committee shall be published;
- the Committee will aim to operate by consensus, however where this is not possible, the names of those dissenting will be noted in the report;

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- representatives of the Government parties shall propose Government business and non-Government business shall be initiated by other parties/groups – a 60/40 split of available time between Government and non-Government business was agreed;
- provision is made in Standing Orders for the addition of urgent items of business, under exceptional circumstances, to the weekly agenda *after* the agenda has been agreed;
- a suitably senior official from the Department of the Taoiseach shall attend meetings and will liaise with Government Departments to ensure delivery of business scheduled; and
- a working group of officials from the Houses of the Oireachtas Service and the Department of the Taoiseach would meet on administrative matters to assist the work of the Committee.

(c) Splitting Plenary and Committee Time

The sub-Committee agreed to schedule Committee meetings outside plenary hours. Committee meetings would take place on Wednesday and Thursday mornings from 9 am to 12 pm, with the option of also meeting on Tuesdays from 5 to 8 pm. Plenary hours would be from 12 to 9 pm on Tuesdays and Wednesdays and from 12 to 8 pm on Thursdays. Business previously taken on fortnightly Fridays could be conducted between 6 and 8 pm on Thursday evenings. Committee meetings could take place in the Dáil and Seanad chambers to increase the number of meetings taking place outside plenary hours.

(d) Technical Groups

The sub-Committee agreed to reduce the size of a group to a minimum of 5 members and to permit more than one technical group to be formed. It was also agreed that rotas and speaking rights will continue to be determined on a proportional basis. A discussion on the proposal took place during which the following points were raised:

- The possible number of such groups and if a limit should apply
- Freedom of movement of members between groups
- Position of non-aligned members
- Allocation of Leaders' Questions, Priority Questions and PMB and that the same amount of time for such items may have to be divided between more groups
- Incentive to form bigger groups to maximise speaking rights
- Resources for groups
- Political based groups versus technical groups
- If a new group could be formed post-election – may be considered further by CPP.

It was agreed that a further paper would be supplied with a proportional breakdown and the practical implications of the size of groups on a rota for Leaders' Questions, Priority Questions and PMB.

(e) Scheduling of business

It was agreed that further time would be provided for Private Members' Business and that a percentage of that time must be dedicated to private members' bills. It was agreed that the time available for Government and non-Government business of approximately 10.5 hours per week would be split on a 60/40 basis. The Ceann Comhairle advised members of the availability of a legislative drafting service for private members which has been underutilised to date. The issue of a vote on the Order of Business using up time set aside for question on promised legislation was also raised and the possibility of a session for promised legislation being set aside each week was suggested along with a suggestion to reduce the length of second stage speeches.

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- (f) Ceann Comhairle to ensure all PQs are answered fully where requests for information in PQs are not addressed

The sub-Committee agreed to reinstate Sessional Order 40A to allow for a process for a written appeal by any member to the Ceann Comhairle in relation to the adequacy of a Ministerial reply to Oral Questions, Topical Issues and Written Questions. Where the Ceann Comhairle upholds a member's complaint, his decision shall be laid before the Dáil. The two day notice requirement will be extended to four working days with sanctions for repeat offenders. It was agreed the Ceann Comhairle should also be empowered to rule on the relevance of an oral reply on the spot to address cases where the Ceann Comhairle is of the opinion that there is a clear failure to impart the information sought.

- (g) Fixed time for votes to be taken each sitting day

The sub-Committee agreed to set a single time for all divisions on a given day, excluding those:

- on the Order of Business,
- in relation to suspending a member for disorderly conduct, and
- on Committee and Report stages of Bills.

It has been agreed that postponed divisions will take place on Thursday afternoons at approx. 3.15 pm which will encourage a family friendly policy.

It was further agreed that the sub-Committee could review decisions taken, if necessary, having heard the views of members following the statements on Dail reform in the House. A final report of the sub-Committee is due to be agreed at its meeting on 27th April, following which Standing Orders would then be brought before the House for approval. The Ceann Comhairle suggested that all decisions taken by the sub-Committee could be reviewed on a bi-annual basis to examine their effectiveness. It was also agreed to consider:

- the restriction of a charge on the revenue in respect of the progression of private members' Bills and amendments, and
- a facility for members to give a written reason as to why they voted a particular way which would be recorded in the official report.

5. DRAFT INTERIM REPORT OF THE SUB-COMMITTEE

The sub-Committee agree the format of the draft report and noted that it would be updated to take account of decisions made at the meeting and that it would be laid before the Dáil today.

6. CORRESPONDENCE

The sub-Committee has before it three pieces of correspondence. In relation to the letter from the Irish Fiscal Advisory Council, the Ceann Comhairle advised members that he and the Clerk to the sub-Committee had met with representatives of the Council last week to hear their views and that the matter of the establishment of an Independent Budget Office would be considered by the sub-Committee at its meeting on 13th April.

The sub-Committee noted correspondence with suggestions for reform received from Mr John O'Sullivan dated 24 March 2016.

Finally, the sub-Committee also noted the letter from Mr Martin Fraser, Secretary General to the Government, and approved of the suggestion that he and the Clerk of the Dáil would co-chair a discussion at official level to discuss administrative issues to support Dáil reform.

The meeting adjourned at 5.12 pm.

DÁIL ÉIREANN

An Coiste um Nós Imeachta agus Pribhléidí *Committee on Procedure and Privileges*

Proceedings of the Committee
Wednesday, 6th April, 2016

STANDING SUB-COMMITTEE ON DÁIL REFORM

1. The third meeting of the sub-Committee took place at 11.30 am in Room 2, Leinster House.
2. The following Members were present:-

Deputies Seán Ó Feargháil, *Ceann Comhairle*, Thomas Byrne, Catherine Murphy, Marcella Corcoran Kennedy (*in substitution for Eoghan Murphy*), Paul Murphy, Darragh O'Brien, Eamon Ó Cuiv, Louise O'Reilly, Aengus Ó Snodaigh, Thomas Pringle, Eamon Ryan and David Stanton.

Apologies were received from Deputies Regina Doherty and Brendan Howlin (*Minister of Public Expenditure and Reform*).

5. REVIEW OF DÁIL REFORM PROPOSALS

The sub-Committee noted that the Interim Report agreed at yesterday's meeting had been laid before the Dáil and circulated to members.

The sub-Committee had before it proposals on the following matters:

(a) Groups

The sub-Committee noted the implications for groups of various sizes of entitlements to Leaders' and Priority Questions and Private Members Business when calculated on a proportional basis.

(b) Parliamentary Questions

Following discussion, it was agreed:

(i) Leaders' Questions:

Leader's Questions will be taken at the commencement of each sitting for 28 minutes, i.e. from 2.00 – 2.28 pm on Tuesdays and from 12.00 – 12.28 pm on Wednesdays and Thursdays. The current time limits of 7 minutes per individual Question will be retained, allowing for 4 questions to be taken per day. The use of the clock was approved to aid the enforcement of time limits.

(ii) Taoiseach Oral Questions:

It was agreed that Taoiseach Oral Questions would be taken twice a week on Tuesdays and Wednesdays for 45 minutes, immediately after Leaders' Questions. A limit of 3 oral questions per member per session will be permitted and 15 minutes will be allowed per Question, or group of Questions where they are grouped on a related matter. Questions not reached are automatically tabled for the next oral session, however it was agreed that the rollover period will be limited to 2 weeks so that Questions which are not reached within 2

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weeks of appearing on the Order Paper will receive a written answer. The use of the clock for Taoiseach's Oral Questions was also approved.

(iii) Ministerial Questions - Priority and Oral:

The sub-Committee agreed that Priority and Oral Questions shall be taken on Tuesdays, Wednesdays and Thursdays and the time allocated for them would be extended to 90 minutes: 30 minutes for priority questions and 60 minutes for ordinary orals. The 90 minutes will run from the time the first priority question is put, and not from a fixed time. Each Question will have 6 minutes in total but may be grouped and, if so, individual time limits will be aggregated to a maximum of 18 minutes. It was also agreed to reinstate sessional order 38(1)(ii) and (1A) from the 31st Dáil to the effect that a member must be present in the chamber to ask an Oral Question in their name, however, this will be subject to the proviso that the member may nominate a substitute questioner by giving 24 hours' notice in writing to the Ceann Comhairle's office. Questioners will be permitted to give a 30 second introduction to their Question and a single spokesperson of a group may put down a maximum of 5 oral Questions. Members noted the need for Ministers to answer the question asked as early as possible in their responses so that time does not run out before a supplementary is asked.

(iv) Topical Issues:

The sub-Committee agreed to reinstate the sessional orders 27A from the 31st Dáil providing for Topical Issues to be taken on Tuesdays, Wednesdays and Thursdays. The notice requirement of 10.00 am and the time limits of 12 minutes shall be retained. While the Ceann Comhairle has discretion in selecting the Issues for answer, some guiding principles for the selection process were noted.

The sub-Committee noted that while the preference is for the relevant Minister to be in attendance to provide responses to Topical Issues, it is difficult to enforce. It was agreed that requests for substitution of the relevant Minister should be submitted formally to the Ceann Comhairle's office which would engage with the member directly. The request for substitution should be submitted in writing within 2 hours of the deadline for submission of Topical Issues and should state the reasons for the request.

It was further agreed that a substitute issue would be picked to cover a possible deferral to maximise the number of issues taken each day. If not selected, this Issue would be taken on the next sitting day, along with any deferred Issue.

(v) Written Questions during the Summer recess:

It was agreed that members may submit questions twice during the summer recess - firstly one week following the adjournment for the recess, and secondly, two weeks prior to the resumption following the recess. Clarification was requested as to whether questions asked in the Summer recess could be recorded in the official debate.

(vi) Rulings by the Ceann Comhairle on disallowance of Questions:

The sub-Committee agreed that a new Standing Order would be drafted whereby a member can request further information from the Ceann Comhairle on his ruling on the disallowance of Questions. It was noted that this would not be an appeal mechanism against the Ceann Comhairle's ruling but rather an acknowledgement that the Ceann Comhairle is happy to provide additional information to any member on his ruling, as has always been the case.

(vii) Repeat rule for Oral Questions:

The sub-Committee agreed that the repeat rule for Oral Questions should be reduced to two months from the current four.

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(viii) Matters of order - Anticipation of Debate:

It was agreed to abolish the current rule that Questions should not anticipate the discussion of any matter which is scheduled in the Dáil in the same week.

(ix) Notice of Oral Questions lottery results:

It was agreed that administrative arrangements would be put in place to notify all members of their provisional lottery number(s) on the day the lottery is held rather than having to wait for them to appear on the Order Paper. It was also suggested that an email with the Order Paper could be circulated earlier on Monday evenings.

(x) General deadlines for submitting questions:

It was agreed the current Questions deadlines under Standing Orders will be retained. The prevalence of withdrawal requests by the Department of Social Protection was noted.

(xi) Accountability of State bodies:

It was agreed that a paper will be prepared on this issue for the next meeting.

The meeting adjourned at 12.33 pm.

DÁIL ÉIREANN

An Coiste um Nós Imeachta agus Pribhléidí *Committee on Procedure and Privileges*

Proceedings of the Committee
Wednesday, 13th April, 2016

STANDING SUB-COMMITTEE ON DÁIL REFORM

1. The fourth meeting of the sub-Committee took place at 9.30 am in Room 2, Leinster House.
2. The following Members were present:-

Deputies Seán Ó Feargháil, *Ceann Comhairle*, Thomas Byrne, Regina Doherty, Brendan Howlin (*Minister of Public Expenditure and Reform*), Catherine Murphy, Marcella Corcoran Kennedy (*in substitution for Eoghan Murphy*), Paul Murphy, Darragh O'Brien, Eamon Ó Cuiv, Louise O'Reilly, Aengus Ó Snodaigh, Thomas Pringle, Shane Ross, Eamon Ryan and David Stanton.

3. **MINUTES OF THE MEETINGS OF 5th & 6th APRIL**

The minutes of the meetings on 5th and 6th April 2016 were agreed.

4. **REVIEW OF DÁIL REFORM PROPOSALS**

The sub-Committee had before it papers on the Committee system, Budgetary Scrutiny, the accountability of State Bodies and related proposals.

(a) Committees system

An initial discussion also took place on the necessity for CPP meetings to be held in private, the type of matters it considers and whether minutes of its meetings should be more widely available. It was noted that there is a need for confidentiality as many of the items discussed by CPP are sensitive issues where privileged legal advice is provided. However, a paper on these matters, including international comparators, will be prepared for the sub-Committee's consideration.

The sub-Committee considered and agreed the following proposals in relation to the structure and functions of Committees, subject to review when the make-up of the next Government is known:

- (i) the structure of thematic and sectoral Committees should continue with the proviso that there is scope for more sectoral Committees to be established to track Government Departments, and to make use of special Committees to consider cross-sectoral issues;
- (ii) a standing Committee on the Irish language should be established; a paper on translation services will be prepared for the sub-Committee's consideration;
- (iii) EU scrutiny by sectoral Committees should be retained and post-legislative scrutiny, already provided in Standing Orders, should be developed by sectoral Committees – a summary of EU Scrutiny arrangements will be included in the revised paper which will be prepared for the sub-Committee's consideration;

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- (iv) consideration should be given to expressing the remit of Committees to consider protected disclosures;
- (v) clarification of proposals for the establishment of a parliamentary Inquiry Office/ Investigations function is required – to be included in the revised paper; and
- (vi) Committees may need to prioritise items in their work programmes given the range of functions and powers and, in prioritising, certain functions may receive less attention.

In relation to the membership and nomination process for appointments to Committee, the sub-Committee agreed:

- (i) there should be fewer members on each Committee;
- (ii) nominations for appointment to Committees of Dáil Éireann should be made by way of report from a Committee of Selection; and
- (iii) where possible membership of multiple Committees should be avoided.

Regarding the election of Chairs, designation of role of Chair and an enhanced role for the Working Group of Committee Chairs, it was agreed

- (i) the Working Group of Committee Chairs should become a Committee with both consultative and policy roles;
- (ii) guidance for Committees generally, guidance for members (including attendance and contributions) and guidance regarding chairing of Committees should be considered by this Group, and formal reporting to the Committees on Procedure and Privileges on legacy issues and reform measures should also be considered by this Group; and
- (iii) consideration should be given to the allocation of a staffing resource for Chairs on plenary sitting days under the Scheme for Secretarial Assistance.

In relation to operational and resource issues, it was noted that:

- (i) additional meeting rooms in the refurbished Georgian Leinster House should be made available for meeting individuals and groups;
- (ii) revised management structures, the continued roll-out of the policy advisor role for Committees and the development of a centralised financial scrutiny function will provide additional supports for the new Committee system; and
- (iii) the existing system of Rapporteurs should be continued to enable members explore and report on specific policy issues.

(b) Budgetary Scrutiny

The sub-Committee considered a paper in relation to the need for ongoing engagement by the Houses of the Oireachtas and its committees throughout the course of the budget cycle and initial steps that might be taken in this regard, including the establishment of a Budget Oversight (or similarly titled) Committee and an independent parliamentary budget office. It was noted that these proposals were made as an initial response to wider, more detailed proposals put forward in the recent OECD review of the Irish parliament's role in budget oversight. The current Constitutional position was also noted. The generally expressed view of members present was that there was a need for greater opportunity for engagement by parliament.

Following discussion, the sub-Committee was of the view that these two proposals needed to be put in place. It was further agreed that the sub-Committee would consider finalised proposals in two weeks for putting to the House, including the role for sectoral Committees in the estimates and budget process.

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The sub-Committee suspended from 12.55 pm to 2.30 pm.

(c) Ministerial responsibility for State bodies under the aegis of Government Departments

The sub-Committee considered a discussion paper and noted the variation in details supplied in responses to questions and representations from Departments and State Bodies. The sub-Committee agreed to ask all Departments to supply details of bodies under their remit along with the arrangements in place in those bodies for dealing with queries from Oireachtas members. It was also agreed that the Secretary General would speak to the Secretary General of the Department of the Taoiseach in relation to putting a protocol in place to improve the responsiveness of the majority of State bodies and local authorities to queries from Oireachtas members. A suggestion that State bodies and Local Authorities should sign up to the Open Government programme was also discussed.

It was further agreed that the advice of the Data Protection Commissioner would be sought on best practice and compliance with the law in relation to the data protection issues which arise when Deputies contact Government Departments and other external bodies to make representations on behalf of constituents.

The meeting adjourned at 3.25 pm until 10.30 am on Wednesday, 20th April 2016.

DÁIL ÉIREANN

An Coiste um Nós Imeachta agus Pribhléidí *Committee on Procedure and Privileges*

Proceedings of the Committee
Wednesday, 20th April, 2016

STANDING SUB-COMMITTEE ON DÁIL REFORM

1. The fifth meeting of the sub-Committee took place at 3 pm in Room 2, Leinster House.
2. The following Members were present:-

Deputies Seán Ó Feargháil, *Ceann Comhairle*, Thomas Byrne, Regina Doherty, Brendan Howlin (*Minister of Public Expenditure and Reform*), Catherine Murphy, Marcella Corcoran Kennedy (*in substitution for Eoghan Murphy*), Paul Murphy, Darragh O'Brien, Eamon Ó Cuiv, Louise O'Reilly, Aengus Ó Snodaigh, Thomas Pringle, Shane Ross, Eamon Ryan and David Stanton.

3. **MINUTES OF THE MEETING OF 13th APRIL**

The minutes of the meeting on 13th April 2016 were agreed.

4. **REVIEW OF DÁIL REFORM PROPOSALS**

The sub-Committee had before it papers on the Legislative Process and the role of the Office of the Parliamentary Legal Advisor.

A discussion on the Legislative Process took place. The sub-Committee agreed to the continuation of the legislative drafting service for Private Members' Bills; that this service would be publicised more widely; and that the allocation of €45,000 could be increased if there was sufficient demand. It was agreed that private members, parties or groups needed to be clear about the intention of the draft legislation before approaching the drafters as the drafters have no role in the development of policy and that Private Members' Bills' should be produced to an equivalent standard as Government Bills, though it was noted that the general scheme is all that is required for the purpose of the pre-legislative scrutiny process.

The sub-Committee agreed that pre-legislative scrutiny would be mandatory for the general scheme of all draft Bills, except those designated as "emergency" or "urgent", unless the relevant sectoral Committee agreed that it was not necessary in individual cases. It was noted that equality proofing would be a requirement of the scrutiny process. During the pre-legislative scrutiny process, Committees will also decide if a regulatory impact analysis is required for each Bill. It was agreed that after a Committee had completed pre-legislative scrutiny of a Bill and made recommendations thereon that the Government would be obliged to publish a response to the Committee's recommendations and to engage in a debate with the Committee. The issue of Committees initiating Bills was considered and where a Committee is of the opinion that legislation is necessary, it can appoint one of its members to draft and sponsor the legislation. It was agreed that the post-legislative scrutiny process should commence and that, as a general rule, this would be carried out within a year of

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enactment, or at such time as agreed by the Committee which had completed the pre-legislative scrutiny of the Bill. The sub-Committee also agreed that Explanatory and Financial Memoranda should be produced bilingually at the time a Bill is published.

On the scheduling of legislation, it was noted that the Business Committee would focus on the management of legislation and, in particular, will monitor the progress of draft legislation to ensure it comes before the House in accordance with the annual legislative timetable. It was suggested that the “A list” of promised legislation could consist of published Bills which had completed pre-legislative scrutiny with the “B list” consisting of Bills on which the Heads of the Bill has undergone pre-legislative scrutiny, etc. It was agreed that a Minister would have to make a case to the Business Committee in order for an “emergency” or “urgent” piece of legislation to proceed, on the basis of a national interest qualification. It was also agreed that Committee and Report Stages of a Bill should not take place on the same day unless otherwise agreed, and that there should be a gap of two weeks between stages of Bills. It was also agreed that Bills ordered for Committee Stage should not be awaiting Committee Stage beyond a period of 10 weeks.

With regard to questions on promised legislation during the Order of Business, it was agreed that the relevant Minister should be called on to reply, and not the Taoiseach.

It was also agreed that any member of the House could table an amendment to a Bill at Committee stage, even if they are not a member of the relevant Committee but they must be present at the meeting to move their own amendment.

The sub-Committee noted the constitutional position with regard to only members of the Government being able to submit amendments or initiate Bills which involve a charge on the revenue and agreed to seek legal advice on the matter.

The sub-Committee noted a paper on the functions and work of the Office of the Parliamentary Legal Advisor and an information note on the operation of CPP equivalent committees in other jurisdictions.

It was agreed that the draft Standing Orders on groups will be prioritised for approval by the House when the final composition of the 32nd Dáil is known.

The meeting adjourned at 5.34 pm until 3 pm on Wednesday, 27th April 2016.

DÁIL ÉIREANN

An Coiste um Nós Imeachta agus Pribhléidí *Committee on Procedure and Privileges*

Proceedings of the Committee
Wednesday, 27th April, 2016

STANDING SUB-COMMITTEE ON DÁIL REFORM

1. The sixth meeting of the sub-Committee took place at 3.00 pm in Room 2, Leinster House.

2. The following Members were present:-

Deputies Seán Ó Feargháil, *Ceann Comhairle*, Thomas Byrne, Regina Doherty, Brendan Howlin (*Minister of Public Expenditure and Reform*), Catherine Murphy, Eoghan Murphy, Paul Murphy, Darragh O'Brien, Louise O'Reilly, Aengus Ó Snodaigh, Thomas Pringle, Shane Ross, Eamon Ryan and David Stanton.

Apologies were received from Deputy Eamon Ó Cuiv.

3. **MINUTES OF THE MEETING OF 20th APRIL**

The minutes of the meeting 20th April 2016 were agreed.

4. **REVIEW OF DÁIL REFORM PROPOSALS**

The sub-Committee had before it papers on the Committee system and Budgetary Scrutiny.

(a) Committees system

On the structure of Committees, the sub-Committee agreed that:

- (i) in principle, the Public Service Oversight and Petitions Committee should be re-established, however, the Public Service Oversight role should rest with the Committee tracking Public Expenditure and Reform. The Office of the Public Service Ombudsman would also report to that Committee, while all other Ombudsman Offices would report to the relevant sectoral Committee with responsibility for their remit. The structure of a Petitions Committee will be considered further during the establishment of Committees;
- (ii) the linkages between the Budget and Finance Committee and the sectoral Committees in relation to budgetary oversight will need to be clear;
- (iii) a Committee Chair may be appointed to be Chair of more than one Committee, in particular, where the Committee is anticipated to have a less onerous work programme;
- (iv) the sub-Committee on Administration shall be a Committee of the Houses of the Oireachtas Commission: this will require amending existing legislation; and
- (v) the work of the proposed Committee of Selection form part of the proceedings of the Business Committee.

For the purpose of assisting Committees, the sub-Committee agreed to establish capacity within the Service, which can be scaled-up or down, as appropriate, to undertake a preliminary assessment or evaluation role to support Committees in the decisions they may

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have before them. Proposals will be brought before the Working Group on Committee Chairmen in due course.

The sub-Committee also approved a proposal for the establishment of an Irish Language Committee.

(b) Budgetary Scrutiny

The sub-Committee considered a paper in relation to the development of the role of the Houses of the Oireachtas in the Annual Budget Cycle. The sub-Committee approved the establishment of a Committee to consider the arrangements that may be necessary or appropriate to develop and support the role of the Houses of the Oireachtas in the budgetary process. It was clarified that it would be a matter for that Committee to consider, amongst other matters, the relationship between a Committee with responsibility for the budget as proposed in the OECD report, *Budgetary Oversight by Parliament: Ireland*, and sectoral Committees, this would include the option wherein Departmental Estimates would continue to be considered by sectoral Committees which would then make their views known to the Budget Committee to assist it in its consideration of the aggregate position. It was also suggested that the role of the Houses of the Oireachtas in relation to the National Economic Dialogue would be addressed in any recommendation made to develop and support the role of the Houses of the Oireachtas in the budgetary process.

In order to progress this initiative, it was agreed that:

- (i) there would be a motion before the Dáil next week to establish a Committee to consider the arrangements that may be necessary or appropriate to develop and support the role of the Houses of the Oireachtas in the budgetary process,
- (ii) that the committee should consist of 15 members with core terms of reference as follows:

“(1) The Committee shall consider the arrangements that may be necessary or appropriate to develop and support the role of the Houses of the Oireachtas in the budgetary process, namely:

- (a) scrutiny of revenue-raising proposals;
- (b) scrutiny of expenditure proposals and associated performance; and
- (c) review of the general fiscal position,

with a view to ensuring ex ante and ongoing engagement by the Houses of the Oireachtas and its committees in a manner intended to increase the capacity of the Houses to exercise influence and achieve accountability throughout the budgetary cycle.

(2) In particular, the Committee shall consider the procedural, administrative and statutory changes that may be necessary or desirable and, in so doing, shall have regard to the proposals made in the OECD report, *Budgetary Oversight by Parliament: Ireland* and such submissions as may be referred to it by the Sub-committee on Dáil Reform: provided that the Committee—

- (a) shall seek and, if received, consider the opinions and observations of any public service body which would, in its opinion, be significantly affected by proposals before it for consideration, and
- (b) may also receive and consider the opinions and observations of such other bodies as it considers appropriate.

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(3) The Committee shall report its opinions and recommendations in relation to the matters comprehended by paragraph (1) of this order to the Dáil not later than 35 days after the announcement of members nominated to serve on it.”.

The sub-Committee also agreed that, in the interim, arrangements for the establishment of a parliamentary budget office on an interim basis should be proceeded with.

(c) Correspondence from the Data Protection Commissioner

The sub-Committee noted correspondence received from the Data Protection Commissioner which stated that where public representatives make written representations on behalf of a constituent that the relevant organisation can generally assume that the constituent has given consent. It was agreed that the Secretary to the Government would be asked to communicate this advice to Government Departments and to the bodies under their aegis.

(d) Any Other Business

Other matters raised included:

- (i) the size and use of the Quorum in the Dáil – following discussion, it was agreed that current custom and practice should not change;
- (ii) that it would now be possible for an explanation on why a member voted in a particular manner to be put on the record of the House; and
- (iii) a proposal to circulate an advisory note for new members on protocol while in the Chamber.

It was agreed that the next meeting of the sub-Committee would consider the financial procedures for Opposition Bills and amendments, the accountability of Ministers for State Bodies and various other miscellaneous matters, including administration resources for groups. It was noted a draft final report would be brought before the sub-Committee once discussions on these matters had concluded.

The meeting adjourned at 4.38 pm until 3 pm on Wednesday, 4th May 2016.

DÁIL ÉIREANN

An Coiste um Nós Imeachta agus Pribhléidí *Committee on Procedure and Privileges*

Proceedings of the Committee
Wednesday, 4th May, 2016

STANDING SUB-COMMITTEE ON DÁIL REFORM

1. The seventh meeting of the sub-Committee took place at 3.05 pm in Room 2, Leinster House.

2. The following Members were present:-

Deputies Seán Ó Feargháil, *Ceann Comhairle*, Thomas Byrne, Marcella Corcoran Kennedy (*in substitution for Eoghan Murphy*), Regina Doherty, Brendan Howlin (*Minister of Public Expenditure and Reform*), Catherine Murphy, Paul Murphy, Louise O'Reilly, Aengus Ó Snodaigh, Thomas Pringle, Eamon Ryan and David Stanton.

Apologies were received from Deputies Eamon Ó Cuiv and Darragh O'Brien.

The Parliamentary Legal Advisor, Ms Mellissa English, attended in relation to item 4 below. Mr Michael Errity attended in relation to item 5.

3. MINUTES OF THE MEETING OF 27th APRIL

The minutes of the meeting of 27th April 2016 were agreed.

4. LEGAL ADVICE ON ARTICLE 17.2 REGARDING THE FINANCIAL INITIATIVE OF THE GOVERNMENT

Ms English had prepared advices relating to financial initiative by the Government, vis-à-vis the financial prerogatives of non-Government members. The advices were circulated to the sub-Committee.

Ms English made reference to the fact that the Dáil, in relation to financial matters, works to the Westminster model (as opposed to, say, the US Congress, where parliament has a greater role in setting the budget). She advised that, owing to our Constitutional provisions, parliament's role relates more to the scrutinising of the Government's management of the Exchequer, rather than parliament itself controlling the Exchequer. Parliament forms part of the checks and balances on the Government in this regard.

Reading the Constitutional provisions, effectively, the financial initiative should remain with the Government, in view of the Government's responsibility to maintain control of the State's finances, i.e., to "balance the books". Article 17.2 provides that appropriation from the Exchequer must be recommended to the Dáil by a message from the Government signed by the Taoiseach. This might appear to provide some latitude in relation to financial initiative by non-Government members – in that, once appropriation is recommended by a Money Message, it is in order, even if it does not originate with the Government. However, Ms

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English advised that it is actually not advisable to read one Constitutional provision in isolation from the others. The totality of the Constitutional provisions relating to financial initiative indicate that the initiative remains with the Government. This also explains why, on first sight, Standing Orders appear to be so much more restrictive than the Constitution; they reflect the totality of the Constitutional provision.

Ms English advised that if it were proposed to relax the Standing Order provisions relating to non-Government members and their financial prerogatives, then it might be necessary to change the timing of Money Messages, and draft them so that they are more specific. Also, it would be necessary to cost Bill amendments from non-Government members; the question arises as to who would carry out such costing, and whether it would slow down the legislative process.

One option to give more latitude to non-Government members would be to allow debate on their Bill amendments even where such amendments involve a charge on the Exchequer, (while still not allowing such amendments to be moved. Currently, such amendments can neither be moved nor debated.).

Mr Finnegan advised that if the Money Message was moved to Fifth Stage, then the legislative process would have to be redesigned (for instance, to allow for the possibility of amendments being removed which were not within the terms of the Money Message).

The sub-Committee discussed whether current Standing Order provisions are too restrictive, while acknowledging the need to 'balance the books'. The sub-Committee decided to refer the matter to the Select Committee on Arrangements for Budget Scrutiny (this Committee to be established by the Dáil on the following day) for its consideration.

5. ADMINISTRATIVE SUPPORT FOR TECHNICAL GROUPS

Mr Michael Errity had prepared a paper for the sub-Committee on the matter, which was circulated. He advised the sub-Committee that the Houses Commission had consistently taken the view that the matter required a change to primary legislation. He said that there were other factors to be considered, such as:

- the cost;
- the formula and threshold for the allocation of resources;
- who would be the employer of the staff; and
- the interaction between this matter and the legislative provisions on the party leader's allowance.

The sub-Committee discussed whether a technical group had the same requirement for administrative support for the development of policy centrally, akin to what a party might do. It was advised that the support would be for the purpose of administrative co-ordination, e.g., the supply of speakers' lists to the chair, management of private members' business rota slots, arrangement of car parking, etc.

The sub-Committee discussed the issue of the allowance for independent members (as opposed to the party leader's allowance and the staff allocation granted to parties), and whether resources should move with members who move groups. It was decided to make a recommendation to the Houses Commission that it should examine the possibility of legislative change, working on the principle of equality of resourcing for all members, while still recognising the traditional role of political parties.

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6. CORRESPONDENCE RECEIVED

The sub-Committee considered correspondence from Conradh na Gaeilge in relation to the desirability of drafting all legislation bilingually. It was decided to refer the matter to the proposed new Committee on the Irish Language.

The sub-Committee considered correspondence from FLAC (Free Legal Advice Centres), in relation to human rights and equality budgeting, the application of human rights principles to policy-making, and the 'guillotining' of legislation. It was decided to reply to FLAC, to the effect that the sub-Committee had already decided that legislation should be equality proofed, etc.

7. ANY OTHER BUSINESS

The sub-Committee requested that the secretariat consider: (a) the issue of having deferred votes as early as possible on a Thursday afternoon, and (b) the possible requirement for having Leaders' Questions earlier than midday.

The meeting adjourned at 4.30 pm until 3 pm on Wednesday, 11th May 2016.

DÁIL ÉIREANN

An Coiste um Nós Imeachta agus Pribhléidí *Committee on Procedure and Privileges*

Proceedings of the Committee
Wednesday, 11th May, 2016

STANDING SUB-COMMITTEE ON DÁIL REFORM

1. The eighth meeting of the sub-Committee took place at 3.05 pm in Room 2, Leinster House.
2. The following Members were present:-
Deputies Seán Ó Feargháil, *Ceann Comhairle*, Thomas Byrne, Marcella Corcoran Kennedy (*in substitution for Regina Doherty*), Brendan Howlin, Eoghan Murphy, Catherine Murphy, Paul Murphy, Darragh O'Brien, Eamon Ó Cuiv, Louise O'Reilly, Aengus Ó Snodaigh, Eamon Ryan and David Stanton.

Apologies were received from Deputy Thomas Pringle.

Ms Elaine Gunn attended in relation to item 4 below.

3. MINUTES OF THE MEETING OF 4th May

The minutes of the meeting of 4th May 2016 were agreed.

4. ACCOUNTABILITY OF STATE BODIES TO MEMBERS

Ms Gunn spoke to the discussion paper she had prepared in relation to accountability of State bodies to members. She gave the example of HSE and Revenue, which have both put in place parliamentary affairs units and dedicated contact mechanisms, in order to deal with the high volume of queries they receive. However, there is significant variation across State bodies in terms of the scale and scope of their role, and this results in a variation in the number of queries received from public representatives (some bodies might receive very few). Accordingly, certain bodies have dedicated email addresses and/or phone numbers for Oireachtas members, and certain of them don't.

Ms Gunn drew the sub-Committee's attention to a list of questions on page 4 of the discussion paper. These questions are set out below, with the sub-Committee's decisions shown immediately after the relevant question:

Q. Does the sub-Committee agree that, as a general principle, State bodies and local authorities should be required to provide dedicated channels of communication for Oireachtas members, separate from those for the general public?

Yes, but these dedicated channels should be 'as well as', and not 'instead of', other forms of communication.

Q. Should they be required to meet specified standards for queries from Oireachtas members?

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Yes.

Q. There are well over 200 bodies under the aegis of Departments. Does the sub-Committee feel that all bodies should be subject to the same requirements and standards? And what standards are appropriate? (Are the suggested general principles and standards set out at page 5 of the discussion paper appropriate?)

Yes, the standards set out on page 5 of the discussion paper are appropriate, except that the acknowledgement response time should be two working days (instead of one), and the substantive reply response time should be 14 working days, instead of 10. Bodies with small numbers of staff should be given some leeway in comparison with larger organisations which have much greater resources, but the smaller bodies should still respond adequately and in good time. Larger organisations should aim to surpass the target response times where possible.

Q. How should standards be determined and enforced?

The sub-Committee decided to request the Minister for Public Expenditure and Reform to revise the *Code of Practice for the Governance of State Bodies* to include general principles and standards for State bodies generally in dealing with queries from members. For local authorities, the sub-Committee could request the Minister for the Environment to review the operation of the 2003 Statutory Instrument relating to local authority dealings with members and to make specific provision for dedicated channels of communication and target response times.

Q. Should Ministers be accountable to the Dáil for the performance of State bodies and local authorities in meeting the required standards? In the event that standards are not being met consistently, does the sub-Committee believe that there should be redress via the PQ system?

In relation to standards generally, the sub-Committee decided that bodies should operate by the principles of 'open data' (i.e., certain information should be in the public domain as a matter of course), and that bodies should address issues in their own systems if they are not meeting the required standard.

Where standards are not being met in a particular case, the member may raise the issue with the Ceann Comhairle, who may at his discretion allow a parliamentary question or Topical Issue to the Minister.

More generally, the sub-Committee decided:

- (i) where Ministers refer parliamentary questions to State bodies for response (e.g., to the HSE), Departments should supply the collated responses to the Houses of the Oireachtas Service for inclusion in the official record at certain points in the year, e.g., after the summer and Christmas recesses;
- (ii) the Service should prepare and circulate a brief paper to members, reminding them that responding to parliamentary questions can be an onerous burden on Departments, depending on the number of questions put down, and that members should use the facility prudently;

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- (iii) the Service should also write to Departments, reminding them of their obligation to answer parliamentary questions clearly and fully, and asking them to move towards full transparency of data, particularly where there are repeated requests for certain types of data.

5. DRAFT FINAL REPORT OF SUB-COMMITTEE

In relation to the draft final report, the sub-Committee decided that it should include more detail in relation to:

- (i) arrangements re. groups and the consequential proportional breakdown of leaders' questions, priority questions, speaking rights, private members' time, Committee Chairs, etc.,

- (ii) the processes as to how technical groups will be recognised;

- (iii) the way in which the Budget and Finance Committee and the Independent Budget Office will work;

- (iv) an enhanced role for the Parliamentary Legal Advisor's Office, with a possible consequential need for increased resources;

- (v) a basic list of Committees to be established (i.e., a sectoral Committee for each Department [**with the exceptions in the proviso below*], as well as the Business Committee, the Budget and Finance Committee, the Irish Language Committee, the Public Service Oversight and Petitions Committee, and the normal Standing Committees).

[Proviso: Department of Defence not to have a separate Committee, and Departments of Finance and Public Expenditure and Reform to have a single Committee, as the sub-Committee has previously agreed as a recommendation.]*

The sub-Committee also decided that:

- (a) the minutes of sub-Committee should be appended to the report; and

- (b) the submissions considered by the Committee could be published (not necessarily in the report itself).

The Committee decided that communication with staff affected by the Dáil reform measures should be built into the timetable for consideration of the report. In relation to when the Dáil reform measures would come into force, Mr Finnegan said that the changes affecting the taking of business would be done in the next couple of weeks.

In relation to proportionality, Mr Finnegan also said that once it was known how many technical groups there would be a clearer picture re. proportionality, rights, etc., could be given to members. The secretariat undertook to bring to the sub-Committee at its next meeting more information re. proportionality, rights, etc., to be considered in the context of the final draft report.

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6. GOVERNMENT AND OPPOSITION LEGISLATIVE PROGRAMMES

In relation to having balance between Government and Opposition legislation in the House, the Ceann Comhairle told the sub-Committee that the Opposition should aim to move towards a situation where it had a programme of legislative priorities, similar to the Government. The sub-Committee noted that it would be easier for the Government to produce a legislative programme more quickly, and that the establishment of the Business Committee would start the groundwork for the planning processes on legislative priorities.

7. LAYOUT OF SITTING WEEK

In relation to the three options supplied on the layout of the sitting week (including options in relation to the scheduling of private Members' time), the sub-Committee decided it would need to consider this matter further.

8. THE PRAYER

The sub-Committee noted that the Library and Research Service had produced a document in relation to the use, by other parliaments and assemblies, of a prayer or a moment of reflection at the start of a sitting. It was agreed that the matter should be referred to the Committee on Procedure and Privileges.

9. NEXT MEETING

The sub-Committee agreed to meet again on Tuesday 17th May at 5 p.m., to consider a revised draft of the final report, which would be furnished to the sub-Committee by close-of-business on Monday.

The meeting adjourned at 4.30 pm.

Indicative list of items for future discussion

The following items have been identified by the sub-Committee for future discussion:

1. Report from the Scoping Committee of the Budget Oversight Committee
2. Matters relating to the Quorum
3. Pre-legislative scrutiny for Private Members' Bills
4. Working Group of Committee Chairs
 - (a) recording of attendance at Committee meetings
 - (b) speaking rota
 - (c) speaking times for Chairs
 - (d) Videoconferencing facilities to accommodate MEPs, for example
5. Private members business – should Government amendments to motions continue to be permitted
6. Voting arrangements for walk-through votes during voting time on Thursdays
7. Legal position re. Public Accounts Committee and Local Government Auditor
8. Times for speaking slots at Second Stage
9. The discontinuation of the setting aside of Standing Orders (i.e. “Notwithstanding anything in Standing Orders...”) for the Order of Business
10. Finally, the sub-Committee has referred a range of matters concerning the running of the Houses to the Committee on Procedure and Privileges, including the issue of the continuation of reading the prayer at the start of the day

